

THIRTY-NINTH DAY

(Tuesday, March 24, 1959)

The Senate met at 11:22 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Baker

A quorum was announced present.

Senator Hardeman offered the invocation as follows:

"We are grateful our dear Heavenly Father for this day and for the opportunity afforded for service to our State. Make us conscious of our duties and responsibilities and help us to discharge them in the best interests of the people and in the manner well-pleasing unto Thee. Forgive us our sins, as we humbly pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Baker was granted leave of absence for today on account of important business on motion of Senator Phillips.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 110 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, by viva voce vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 404, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Krueger submitted the following report:

Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 111, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

KRUEGER, Chairman.

House Bill 111 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 111 was ordered not printed.

Concert by Texas Woman's University Band

Pursuant to the provisions of S. R. No. 230 previously adopted by the Senate, the President recognized Senator Bradshaw.

Senator Bradshaw then presented the Lasso Band of Texas Woman's

University under the direction of Mr. Lowell Little to the Members of the Senate. The band located in the East Gallery of the Senate rendered several band selections for the enjoyment of the Senate, with a special number dedicated to the Honorable Ben Ramsey, Lieutenant Governor.

Senate Resolution 240

Senator Kazen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Rose Anne Zamara, Rosalyn Tolbert, Fameliza Ramos, Sylvia Masters and Mary Inelda Barrera; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Kazen by unanimous consent presented the students to the Members of the Senate.

Senate Bill 410 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Fuller:

S. B. No. 410, A bill to be entitled "An Act to authorize the creation of a Hospital District within Jefferson County including only the area comprising the Jefferson County Drainage District No. 7 and the Port Arthur Independent School District as such boundaries existed on the 1st day of January, 1957.

To the Committee on Counties, Cities and Towns.

Senate Bill 11 on Third Reading

Senator Fly asked unanimous consent to suspend the regular order of business and take up S. B. No. 11 for consideration at this time.

There was objection.

Senator Fly then moved to suspend the regular order of business and take

up S. B. No. 11 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Moore
Crump	Owen
Fly	Parkhouse
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Hudson	Secrest
Kazen	Smith
Lane	Weinert
Martin	Wood

Nays—7

Colson	Moffett
Dies	Phillips
Herring	Willis
Krueger	

Absent

Bradshaw

Absent—Excused

Baker

The President laid before the Senate on its third reading and final passage the following bill:

S. B. No. 11, A bill to be entitled "An Act dealing with weight limits of motor vehicles and combinations thereof; amending Section 5, Chapter 42, Second Called Session, 41st Legislature, as heretofore amended; repealing Section 2 of Chapter 146, Acts, 52nd Legislature, Regular Session, 1951; providing that neither Section 1-1/4, Chapter 146, Regular Session, 52nd Legislature, nor House Bill 11, Acts, 52nd Legislature, Regular Session, 1951, as amended, nor Section 1 of Chapter 109, Acts, 54th Legislature, Regular Session, 1955, shall be repealed, modified, etc., and declaring an emergency."

The bill was read the third time and was finally passed by the following vote:

Yeas—20

Aikin	Hazlewood
Crump	Hudson
Fly	Kazen
Gonzalez	Lane
Hardeman	Moore

Owen	Rogers
Parkhouse	Secrest
Ratliff	Smith
Reagan	Weinert
Roberts	Wood

Nays—10

Bradshaw	Krueger
Colson	Martin
Dies	Moffett
Fuller	Phillips
Herring	Willis

Absent—Excused

Baker

Reports of Standing Committees

Senator Lane submitted the following reports:

Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 12, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 27, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 26, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 13, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Roberts submitted the following report:

Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 247, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

ROBERTS, Chairman.

Senate Resolution 241

Senator Hazlewood offered the following resolution,

Whereas, We are honored today to have as visitors in the Senate, Miss Bette Davis and Miss Nella Nagy of Amarillo, Texas, students at Texas Woman's University; and

Whereas, We desire to welcome these lovely visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Hazlewood by unanimous consent presented the guests to the Members of the Senate.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 12, To be known as the "Texas Shrimp Conservation Act"; stating legislative intent; stating the duties and obligations of the Game and Fish Commission of Texas under this Act; defining terms; prescribing and defining unlawful acts; providing for and defining licensing; defining duties, powers and authorities of licensee's; providing for closed and open seasons of the coastal waters within the jurisdiction of the State of Texas; etc.; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Conference Committee on
House Bill 110**

Senator Owen called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 110 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following Conferees on the part of the Senate on the bill:

Senators Owen, Roberts, Hudson, Parkhouse and Moore.

**Senate Concurrent Resolution 12
Ordered Not Printed**

On motion of Senator Rogers and by unanimous consent S. C. R. No. 12 was ordered not printed.

Senate Resolution 242

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 8th Grade Social Studies Classes from University Junior High School in Austin, Travis County, Texas, accompanied by their teacher, Mr. V. Rodriguez; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings

of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their classes in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teacher to the Members of the Senate.

**Senate Concurrent Resolution 38
on First Reading**

Senator Gonzalez moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Baker

The following resolution was then introduced, read first time and referred to the committee indicated:

By Senator Gonzalez:

S. C. R. No. 38, Granting Cyril Verstuyft et ux. permission to sue the State of Texas.

Whereas, Cyril Verstuyft and wife, Marie DeBacker Verstuyft, are residents of Bexar County, Texas, and own and operate an irrigated truck farm located on the Somerset Road,

several miles south of the City of San Antonio, Texas; and

Whereas, The said Cyril Verstuyft and wife, Marie DeBacker Verstuyft, allege that by deed dated December 3, 1954, and recorded in Volume 3603, page 530, Bexar County Deed Records, they conveyed 6.907 acres of said irrigated truck farm to the State of Texas, being Tract 11, U. S. Highway 81, Loop 13 to Indian Creek, for right-of-way purposes, and that as a part of the consideration therefor, Bexar County therein agreed "to provide a vehicle crossover at or near Station 835," as shown on Highway Map; and

Whereas, The said Cyril Verstuyft and wife, Marie DeBacker Verstuyft, allege that thereafter, in March, 1955, the Texas Highway Department informed the Commissioner's Court of Bexar County, Texas, in writing, that it would substitute for the said vehicle crossover at or near said Station 835 "one well-signed and controlled crossing at approximately Station 852+65 or at a suitable alternate station"; and

Whereas, It is alleged that immediately thereafter the County Engineer of Bexar County began negotiations with said above named property owners by and through their attorney, E. G. Bradley, and prevailed upon them to release their respective rights to the crossover at or near said Station 835 in consideration of "Bexar County providing a well-signed and controlled vehicular crossover at Highway Station 852+65," all of which is evidenced by written agreement of such property owners of record in Volume 3653, on page 129, of the Deed Records of Bexar County, Texas; and

Whereas, It is alleged that thereafter the Texas Highway Department provided for said property owners a vehicular crossing at said Station 852+65 and maintained the same until on or about December 15, 1958, at which time the Texas Highway Department removed and eliminated said crossover; and

Whereas, it is alleged that said property owners have been advised and informed by the Texas Highway Department and its duly authorized employees and representatives that the development of said Highway requires that said well-signed and controlled crossing at said Station

852+65 be permanently eliminated; and

Whereas, it is alleged that the State of Texas and the Texas Highway Department have not heretofore at any time made any attempt to agree with said landowners as to the amount of just compensation and damages sustained by them by reason of the taking, destruction and elimination of said crossing by the State of Texas and the Texas Highway Department, as aforesaid; and

Whereas, The said Cyril Verstuyft and wife, Marie DeBacker Verstuyft, allege that the State of Texas and the Texas Highway Department have not heretofore paid or offered to pay to said landowners any just compensation or damages, as required by Section 17 of Article 3, of the Constitution of Texas, for the taking, destruction and elimination of said crossing, as aforesaid; now, therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Cyril Verstuyft and wife, Marie DeBacker Verstuyft, be, and they are hereby given and granted permission to sue the State of Texas and the Texas Highway Department in any court of competent jurisdiction in Bexar County, Texas, within two (2) years from the effective date of this resolution, to recover judgment for title and possession of said vehicular crossover at said Highway Station 852+65, hereinabove described, and for the establishment and restoration of said vehicular crossover by the State of Texas and the Texas Highway Department at said Highway Station 852+65, and if the said Cyril Verstuyft and wife, Marie DeBacker Verstuyft, be denied judgment for the title and possession of said crossover and/or establishment and restoration of the same, as aforesaid, then in the alternative, for just compensation and damages for the taking of said crossover by the State of Texas and the Texas Highway Department, and for any and all severance damages to their irrigated farm, which have accrued or which may accrue in the future resulting from the taking, removal and elimination of said crossover by the State of Texas and the Texas Highway Department, and for such other and further relief as the court may determine is warranted

by virtue of all the facts described herein; and be it further

Resolved, That service of citation and any other legal process shall be served upon both the Chairman of the State Highway Commission of Texas and upon the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That any party to the suit shall have the right of appeal as is provided for in other civil cases; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to the said Cyril Verstuyft and wife, Marie DeBacker Verstuyft, to bring suit against the State of Texas and the Texas Highway Department. No admission of liability or of any fact is made in any way by the passage of this resolution; but on the contrary, it is specifically provided that the facts upon which the said Cyril Verstuyft and wife, Marie DeBacker Verstuyft, seek to recover must be proved in court as in other civil cases; and be it further

Resolved, That any and all defenses which the State of Texas and the Texas Highway Department may have shall be pleaded by the State of Texas and the Texas Highway Department, and none of the defenses which the State of Texas and the Texas Highway Department may have are in any way waived by the passage of this resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 39 on First Reading

Senator Gonzalez moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin

Bradshaw

Colson	Moffett
Crump	Moore
Dies	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	Wood

Absent—Excused

Baker

The following resolution was then introduced, read first time and referred to the Committee indicated:

By Senator Gonzalez:

S. C. R. No. 39, Granting Marie Verstuyft permission to sue the State of Texas.

Whereas, Marie Verstuyft, a widow, is a resident of Bexar County, Texas, and owns and operates an irrigated truck farm located on the Somerset Road, several miles south of the City of San Antonio, Texas; and

Whereas, The said Marie Verstuyft alleges that by deed dated December 3, 1954, and recorded in Volume 3603, page 534, Bexar County Deed Records, she conveyed 9.983 acres of said irrigated truck farm to the State of Texas, being Tract 12, U. S. Highway 81, Loop 13 to Indian Creek, for right-of-way purposes, and that as a part of the consideration therefor, Bexar County therein agreed "to provide vehicle crossover at or near Station 845," as shown on Highway Map; and

Whereas, The said Marie Verstuyft alleges that thereafter, in March, 1955, the Texas Highway Department informed the Commissioner's Court of Bexar County, Texas, in writing, that it would substitute for the said vehicle crossover at or near said Station 845 "one well-signed and controlled crossing at approximately Station 852+65 or at a suitable alternate Station"; and

Whereas, It is alleged that immediately thereafter the County Engineer of Bexar County began negotiations with said above named property owner by and through her attorney,

E. G. Bradley, and prevailed upon her to release her respective rights to the crossover at or near said Station 845 in consideration of "Bexar County providing a well-signed and controlled vehicular crossover at Highway Station 852+65," all of which is evidenced by written agreement of such property owner of record in Volume 3653, on page 128, of the Deed Records of Bexar County, Texas; and

Whereas, It is alleged that thereafter the Texas Highway Department provided for said property owner a vehicular crossing at said Station 852+65 and maintained the same until on or about December 15, 1958, at which time the Texas Highway Department removed and eliminated said crossover; and

Whereas, It is alleged that said property owner has been advised and informed by the Texas Highway Department and its duly authorized employees and representatives that the development of said Highway requires that said well-signed and controlled crossing at said Station 852+65 be permanently eliminated; and

Whereas, It is alleged that the State of Texas and the Texas Highway Department have not heretofore at any time made any attempt to agree with said landowner as to the amount of just compensation and damages sustained by her by reason of the taking, destruction and elimination of said crossing by the State of Texas and the Texas Highway Department, as aforesaid; and

Whereas, The said Marie Verstuyft alleges that the State of Texas and the Texas Highway Department have not heretofore paid or offered to pay to said landowner any just compensation or damages, as required by Section 17 of Article 3, of the Constitution of Texas, for the taking, destruction and elimination of said crossing, as aforesaid; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the said Marie Verstuyft be, and she is hereby given and granted permission to sue the State of Texas and the Texas Highway Department in any court of competent jurisdiction in Bexar County, Texas, within two (2) years from the effective date of this resolution, to recover

judgment for title and possession of said vehicular crossover at said Highway Station 852+65, hereinabove described, and for the establishment and restoration of said vehicular crossover by the State of Texas and the Texas Highway Department at said Highway Station 852+65, and if the said Marie Verstuyft be denied judgment for the title and possession of said crossover and/or establishment and restoration of the same, as aforesaid, then in the alternative, for just compensation and damages for the taking of said crossover by the State of Texas and the Texas Highway Department, and for any and all severance damages to her irrigated farm, which have accrued or which may accrue in the future resulting from the taking, removal and elimination of said crossover by the State of Texas and the Texas Highway Department, and for such other and further relief as the court may determine is warranted by virtue of all the facts described herein; and be it further

Resolved, That service of citation and any other legal process shall be served upon both the Chairman of the State Highway Commission of Texas and upon the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That any party to the suit shall have the right of appeal as is provided for in other civil cases; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to the said Marie Verstuyft to bring suit against the State of Texas and the Texas Highway Department. No admission of liability or of any fact is made in any way by the passage of this resolution; but on the contrary, it is specifically provided that the facts upon which the said Marie Verstuyft seeks to recover must be proved in court as in other civil cases; and be it further

Resolved, That any and all defenses which the State of Texas and the Texas Highway Department may have shall be pleaded by the State of Texas and the Texas Highway De-

partment, and none of the defenses which the State of Texas and the Texas Highway Department may have are in any way waived by the passage of this resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

**Senate Concurrent Resolution 40
on First Reading**

Senator Gonzalez moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Baker

The following resolution was then introduced, read first time and referred to the committee indicated:

By Senator Gonzalez:

S. C. R. No. 40, Granting Remi Aelvoet et ux. permission to sue the State of Texas.

Whereas, Remi Aelvoet and wife, Maria Aelvoet, are residents of Bexar County, Texas, and own and operate an irrigated truck farm located on the Somerset Road, several miles south of the City of San Antonio, Texas; and

Whereas, The said Remi Aelvoet and wife, Maria Aelvoet, allege that by deed dated December 2, 1954, and recorded in Volume 3603, page 526, Bexar County Deed Records, they

conveyed 8.623 acres of said irrigated truck farm to the State of Texas, being Parcel B, Tract 7, U. S. Highway 81, Loop 13 to Indian Creek, for right-of-way purposes, and that as a part of the consideration therefor, Bexar County therein agreed "to provide a vehicle crossover at or near Station 855," as shown on Highway Map; and

Whereas, The said Remi Aelvoet and wife, Maria Aelvoet, allege that thereafter, in March, 1955, the Texas Highway Department informed the Commissioner's Court of Bexar County, Texas, in writing, that it would substitute for the said vehicle crossover at or near said Station 855 "one well-signed and controlled crossing at approximately Station 852 + 65 or at a suitable alternate station;" and

Whereas, It is alleged that immediately thereafter the County Engineer of Bexar County began negotiations with said above named property owners by and through their attorney, E. G. Bradley, and prevailed upon them to release their respective rights to the crossover at or near said Station 855 in consideration of "Bexar County providing a well-signed and controlled vehicular crossover at Highway Station 852 + 65," all of which is evidenced by written agreement of such property owners of record in Volume 3653, on page 127, of the Deed Records of Bexar County, Texas; and

Whereas, It is alleged that thereafter the Texas Highway Department provided for said property owners a vehicular crossing at said Station 852 + 65 and maintained the same until on or about December 15, 1958, at which time the Texas Highway Department removed and eliminated said crossover; and

Whereas, It is alleged that said property owners have been advised and informed by the Texas Highway Department and its duly authorized employees and representatives that the development of said Highway requires that said well-signed and controlled crossing at said Station 852 + 65 be permanently eliminated; and

Whereas, It is alleged that the State of Texas and the Texas Highway Department have not heretofore at any time made any attempt to agree with said landowners as to the amount of just compensation and damages sustained by them by reason of the taking, destruction and

elimination of said crossing by the State of Texas and the Texas Highway Department, as aforesaid; and

Whereas, The said Remi Aelvoet and wife, Maria Aelvoet, allege that the State of Texas and the Texas Highway Department have not heretofore paid or offered to pay to said landowners any just compensation or damages, as required by Section 17 of Article 3, of the Constitution of Texas, for the taking, destruction and elimination of said crossing, as aforesaid; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the said Remi Aelvoet and wife, Maria Aelvoet, be, and they are hereby given and granted permission to sue the State of Texas and the Texas Highway Department in any court of competent jurisdiction in Bexar County, Texas, within two (2) years from the effective date of this Resolution, to recover judgment for title and possession of said vehicular crossover at said Highway Station 852 + 65, hereinabove described, and for the establishment and restoration of said vehicular crossover by the State of Texas and the Texas Highway Department at said Highway Station 852 + 65, and if the said Remi Aelvoet and wife, Maria Aelvoet, be denied judgment for the title and possession of said crossover and/or establishment and restoration of the same, as aforesaid, then in the alternative, for just compensation and damages for the taking of said crossover by the State of Texas and the Texas Highway Department, and for any and all severance damages to their irrigated farm, which have accrued or which may accrue in the future resulting from the taking, removal and elimination of said crossover by the State of Texas and the Texas Highway Department, and for such other and further relief as the court may determine is warranted by virtue of all the facts described herein; and be it further

Resolved, That service of citation and any other legal process shall be served upon both the Chairman of the State Highway Commission of Texas and upon the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promul-

gated and adopted by the Supreme Court of Texas; and be it further

Resolved, That any party to the suit shall have the right of appeal as is provided for in other civil cases; and be it further

Resolved, That the sole purpose of this Resolution is to grant permission to the said Remi Aelvoet and wife, Maria Aelvoet, to bring suit against the State of Texas and the Texas Highway Department. No admission of liability or of any fact is made in any way by the passage of this Resolution; but on the contrary, it is specifically provided that the facts upon which the said Remi Aelvoet and wife, Maria Aelvoet, seek to recover must be proved in court as in other civil cases; and be it further

Resolved, That any and all defenses which the State of Texas and the Texas Highway Department may have shall be pleaded by the State of Texas and the Texas Highway Department, and none of the defenses which the State of Texas and the Texas Highway Department may have are in any way waived by the passage of this Resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

House Bill 247 Ordered Not Printed

On motion of Senator Owen and by unanimous consent H. B. No. 247 was ordered not printed.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 94, A bill to be entitled "An Act amending Acts 1925, 39th Legislature of Texas, Chapter 152, page 362, Section 3 (Article 7718 Vernon's Texas Civil Statutes) relating to the election of directors of water improvement districts, so as to afford a method by which any such district may provide for staggered terms of office of its directors; and declaring an emergency."

H. B. No. 120, An Act relating to the treasurer of the school fund in any independent school district of more than one hundred and fifty (150) scholastics; amending Article 2832 of the Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H. B. No. 180, A bill to be entitled "An Act amending Section 2 of Chapter 250, Acts of the Fifty-fourth Legislature, Regular Session, 1955, compiled as Article 8280-167 of Vernon's Civil Statutes, so as to redefine the boundaries of the "Yorks Creek Improvement District"; and declaring an emergency."

H. B. No. 221, A bill to be entitled "An Act amending Section 1, House Bill No. 34, Chapter 22, Acts of the 53rd Legislature, First Called Session, 1954, prescribing an open season on deer in Maverick County and that part of Val Verde County lying East of the Pecos River; and declaring an emergency."

H. B. No. 341, A bill to be entitled "An Act to authorize the Lake Fork Water Control and Improvement District, Number One (1), to levy, assess and collect a special assessment based upon actual benefits received by lands within the District., etc., and declaring an emergency."

H. B. No. 380, A bill to be entitled "An Act relating to the authority of the Board of Trustees of Crockett Independent School District to appoint a Board of Equalization; amending Section 4, Chapter 16, Acts of the 35th Legislature, 1st Called Session, 1917; and declaring an emergency."

Adjournment

On motion of Senator Hardeman the Senate at 12:22 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FORTIETH DAY

(Wednesday, March 25, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Baker	Hudson
Bradshaw	Kazen
Colson	Krueger
Crump	Lane
Dies	Martin
Fly	Moffett
Fuller	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Phillips

Ratliff	Smith
Reagan	Weinert
Roberts	Willis
Rogers	Wood
Secrest	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Merciful Father, like the prodigal coming home to the father, so we would come to Thee now; confessing that we have sinned against heaven and in Thy sight. We pray that Thou wilt put the kiss of forgiveness upon us, and clothe us with the robe of Thy righteousness. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Owen submitted the following report:

Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Oil and Gas, to whom was referred S. B. No. 361, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Senator Weinert submitted the following reports:

Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 395, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 24, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water